

National Forest Advisory Board (NFAB) Meeting

June 15, 2011

Mystic Ranger District

Members Present:

Jim Heinert, Chairman; Jim Scherrer, Craig Tieszen, Nels Smith, Hugh Thompson, Bill Kohlbrand, Carson Engelskirger, Richard Krull, Jeff Vonk, Ev Hoyt

Forest Service Representatives:

Craig Bobzien, Dennis Jaeger, Frank Carroll, Jill Larson, Chelsea Vollmer, Craig Beckner, Bob Thompson, Tom Willems, Jackie Groce, Twila Morris - Recorder.

Others:

Approximately five members of the public were in attendance. Three Congressional representatives were also in attendance; Chris Blair (Johnson – D, South Dakota), Mark Haugen (Thune – R, South Dakota), Sandy Massey (Noem – R, South Dakota), as well as three congressional staff interns.

Members Absent:

Sam Brannan, Tom Blair, Becci Rowe, Donovan Sprague, Nancy Kile, Bob Paulson

Welcome:

Carroll: It is past time to start and we do not yet have a quorum, so we will begin the meeting in an informal format for information only.

Bobzien: We'll go ahead and start with the bark beetle update.

[Jeff Vonk, Ev Hoyt Arrive]

Chairman Heinert: We have a quorum; call the meeting to order 1:13

Approve May Minutes:

Heinert: Do we have a motion to approve the minutes from the May meeting? Motion made by Scherrer second by Thompson, motion carried, minutes approved.

Approve the Agenda:

Heinert: Are there any changes to the Agenda?

Do we have a motion to approve the agenda as amended? Motion made by Tieszen second made by Krull, motion carried, agenda approved.

Housekeeping:

Frank: Building layout, restrooms, break-room, exits, and refreshments.

Meeting Protocol

Heinert: Something we've added to the agenda, the third to the last bullet. In the time I've been Chairman, we've had Board members that have comments or questions, and the opportunity to address these comments or questions, didn't present itself during the regular meeting, so in some cases, they Board member has chosen to use the public comments period of the agenda to voice their concerns. But in doing it that way, we have had to rule people out of order, etc., which we would like to avoid having to do.

We can make a Board member comment section on the agenda like this work if we respect the purpose, this is not a "gotcha" moment, but it is an opportunity for Board members to address the Board. I would ask that you appreciate the fact that if your comment or question is about Forest Service (FS) personnel, surprises don't go very well, so it's not a "gotcha" opportunity. If it's something that needs further discussion we'll put it on a future agenda, and discuss it at a later date. This change gives Board members an opportunity to address issues they may have. We'll try it and see how it works. This would be a standard item at the end of every meeting, and if there are no comments we'll move on.

We'll make time at the end of the agenda for public comments. I appreciate the Board observing the standards for our meeting and discussion; this has helped us have orderly meetings.

Elections

Heinert: Frank advises that we are at a point that we need to reorganize, and hold elections. I've been fortunate enough to serve the past year. With my retirement right around the corner, I haven't given very much thought to how much time I want to give to other things. I have been in school for 57 years, for 39 years I've been in public service, 32 of those years I've been working with a school board. I think you have gained appreciation for where I'm coming from. My last school board meeting was last night. If you desire to have me serve as Chairman again, I would agree to do that, but I can't guarantee how long I would serve. There are many people here that would qualify to serve as Chairman.

We won't call for nominations right now, we'll give you some time to think about it, and talk to folks on break. We'll call for nominations later today.

Scherrer: It seems like we did these elections in the spring in the past, now it's June, so do we need to do it today?

Carroll: If we don't do it today, and we have no meeting next month and a field trip in August, then we would have to wait till September.

Scherrer: Jim you've done a really good job as Chairman. Since everyone is not here today, and talking with everyone on a break may not be an adequate amount of time to address the question. It's a very important position in terms of running an efficient meeting for people who drive long ways to address important issues. I'm just wondering what other people think, do we

need to do elections today?

Smith: Could the FS people refresh us; how long has this Board been re-affirmed?

Carroll: This is our 8th year; the Board is confirmed every two years. It took the Secretary quite a while to sign your forms, so as far as timing, we've always been inclusive, so if you want to hold the election in September that would be fine.

Vonk: Given your statement Jim, maybe a couple more months would give you a chance to assess your plans, and with the smaller attendance at this meeting it might be a good idea. Even though you are willing, maybe it would make sense to give you a couple of months to access your willingness, so I could see for a couple of reasons why we might want to hold off.

Tieszen: Does that provide any complications from the FS side? First of all, congratulations Jim and thank you for your long service. That might be a good recommendation. Things might be clearer in a couple of months. We don't have any formal meetings till September, so that seems appropriate to me.

Heinert: Do I have a motion to hold elections in September? Motion made by Scherrer, second by Smith.

Bobzien: Twila pulled the notes and the charter, and the charter says that the elections were past due. That's why it was on the agenda and it's in your purview to postpone them.

Hot Topics

Bark Beetles – Conservation Leaders Meeting

Bobzien: Thank you. We met with Conservation Leaders on June 14. There were several people in attendance representing different government agencies; Black Hills Forest Resource Association, The Save Our Black Hills Coalition, and others. These groups have been engaged in working with the public. Our first meeting of this type was held last fall; we had 50 or so turn out last fall, and it was filled with as many yesterday. I'll ask Carson, and Bill to speak to this as well.

We did an evaluation of what is working and what is not working. One of the outcomes was a request that we tally up collectively all the work that has been done – there isn't a way now to know this. The second part is in regards to a move by the group to have a strategic plan on how we can capture accomplishments, and how we can work together. I would like to welcome the members of the Federal delegation that were all here yesterday. In working on this strategic plan part, and of interest to the Board, we'll develop this over the summer – how can we set some common goals, with other stake holder groups, to be most efficient with our resources. Carson and Bill anything you want to share?

Engelskirger: It was a great piece of work to get this group together here. We had a meeting last year and that is when the Black Hills (BH) presented the \$200,000 to the states of Wyoming and South Dakota to go out and do cost share work. These types of meetings are very helpful to get a lot of feedback from Counties, etc.; that feed back is important. I'm glad that we are doing

the strategic plan, it is important. The Advisory Board could play a role in providing input. It's important to not create a document just for the sake of creating a document; it has to be something clear and concise, a good road map so everyone is on the same page. At the end of the summer, when the bugs fly, it will be important to get back together and reassess.

Kohlbrand: I thought the meeting went well, the strategic plan will be good – get us all pulling in the same direction. We were really hoping that Craig could find us some money for cost shares again! Understanding the situation, we'll have to figure out how to do more with less.

Engelskirger: The money is a big thing; the \$200,000 really, really helped to get to work on solving the problem. The Counties have been very good at picking up and running with it. They are looking at Title 3 funding, and also digging into their own funds to continue the work.

H.Thompson: What is the scope of the strategic plan? As I think about the history of other National Forests, who have never stopped an epidemic yet, we have several dead forests. The Medicine Bow is gone, the Shoshone is gone; does the plan have anything to do with where does the timber industry go after this thing has run its course? Other impacts on other industries, if it goes like I think it's going to go, I'm not sure we'll get it stopped till it runs out of host material. We're lucky; we have three mills here in the BH, and one in Hulett. I don't know if Colorado even has a mill anymore. Does the plan look at that or does it concentrate solely on trying to stop the progress of the beetle?

Bobzien: The scope of the plan will be the BH; we didn't get into the details. We have a number of people, from different Agencies and organizations that will work on this plan. Some of the focus will be on what is the nature of the problem, the scope of the plan, to address for long term health.

H.Thompson: Are we talking plan amendments beyond that?

Bobzien: We didn't start talking plan amendments.

Smith: I'm trying to understand the plan; used toward what objective?

Bobzien: If you think about all the different areas of how we can all work together towards a healthy Black Hills forest; each one of the people in this conservation group, I believe, and in general, that is why we have an interest in working together.

Engelskirger: It is just the road map of where we are going, what everyone is doing. This will help funnel our efforts, so we know what is going on.

Krull: I've missed the last couple of meetings, but I had the opportunity to go to the helicopter logging site, and it gave me an opportunity to discuss what the FS is doing with others. One group I spoke with was a bird watcher society, and they are opposed to us trying to save the forest. If we have the opportunity, we should attend these meetings, and spread the word on what the Forest is doing to try to control the spread.

Bobzien: The second part under the bark beetle response, I just want to brief the Board because our next meeting will not be till September. We've had some presentations that outline our NEPA process, because there have been a lot of questions in the past. Some of you have been to all those meetings, and some may not have attended. We were looking for ways, on the bark

beetle epidemic, through science, to be timelier and more effective on the 300,000 acres at risk; that we do not currently have NEPA decisions on. Normally we go through a logical way to gather info on 30,000-40,000 acres and do NEPA, and we're good at that, very good. Another tool is a categorical exclusion (CE); with a CE the rules allow us to do a little less documentation. The other one was that we asked, through our Chief, and prompted by Representative Herseth Sandlin, alternative arrangements from CEQ. To date, we have not been granted the authority.

Dennis, Frank and I had a call with the Chief's office, and we are being selected as a National pilot site to have an Anticipatory and Alternative Plan. The plan will allow us to access where the beetles will be and have some different ways we can go and treat those areas. Before our next Board meeting, we'll be pursuing a new position to initiate this plan. We'll put this notice in the Federal Register. We'll tell our story about why we are doing this and how it's different from before. This project will likely be an environmental impact statement but it will set us up over time to allow us to do early intervention, to buy us more time till we can go in and do integrated analysis about what is going on in the Forest. That's a thumbnail sketch.

Engelskirger: What are the next steps in that process? Are you waiting to see what the budget is before you start?

Bobzien: We are going to get going on it right away, with two scenarios; one, we have no additional resources or funding, but we think it's important to begin with existing staff. The second scenario is having added funding plus our staff and move at a faster rate. Our goal is to have this in place for next year's bug flight.

H.Thompson: A meeting or two after the Cook Lake tornado, this group was going to make a recommendation to the FS on emergency authorities. We never did make a recommendation to the Forest Supervisor on emergency authorities. One of the things we thought was needed was to cut CEQ out of the emergency authority stuff because they are just too damn slow in being able to react to an emergency. We have an emergency here, and the catastrophic affects will be very similar to the affects of the fire in Arizona. If it was on fire we would have an emergency, but we have a fire in slow motion. CEQ is holding you back, in being light on your feet and able to react to it. Several of the counties have gotten others to ask the Governors to declare an emergency; we need to perhaps escalate the issue up a little bit higher, so that we would have more authority than you presently have. What could the Board add to help get it off dead center?

Bobzien: One of the keys to this is that the public interest and public concern is high. We went through and had the Chiefs office support the CEQ request. The response could change, they could choose to want to act on that, but they haven't. The current situation is that the beetle is moving at a rate that is unprecedented. This will attract some attention.

Vonk: I'm real slow here, when you say this is what we are initiating, what are you going to do?

Bobzien: We are adding a new approach on how we do project level NEPA. We have a Forest Plan, we do environmental planning with the Forest Plan, then we have project NEPA – those two are at a landscape scale, such as the Norbeck Wildlife Project or the Prairie Project out of Rapid city that Bob did a couple of years ago. Those large landscapes, we still do those and do integrated analysis. That is the main part of the program. The second piece is the regulation that allows us to do small areas, normally under 250 acres in size or less. We still have 300,000 acres that we can't get to as soon as we would like, to do our NEPA. What we are doing, is taking that

whole remaining area and doing an Anticipatory and Adaptive approach to look at a big piece of the landscape, look at where we think there will be beetles, and we will apply one of the choices under Adaptive Management.

Vonk: What can I or any member of the public expect to see from you this summer that I wouldn't have seen if you didn't do this Anticipatory and Adaptive approach?

Bobzien: A proposed action that will describe the purpose and need, the scale we anticipate, where we believe we'll have activity, and then adaptive management treatments based upon what type of beetle infestation occurs.

Vonk: So we'll be expecting to see a public notice to identify this whole area and you'll seek public comment, so what is your time from, in general?

Bobzien: Our goal is to have everything completed by 2012, 15 months from now.

Vonk: And you'll still continue on this large area with the normal EIS process at the same time?

Bobzien: We presume it will be an EA, rather than an EIS, under the regulations we still have the responsibility.

Carroll: If we have projects in process in the five year plan, some of those projects will overlap, so some of it is already in planning.

Vonk: So you'll continue the normal planning projects at the same time you'll do the generalized process?

Bobzien: Yes, but with this area, we have to have a way to act sooner and more efficiently, over time, we'll get there with a larger plan, but we would be in a situation where we could address the beetles.

Scherrer: You're doing this now, with existing staff, because you don't have the budgets. You'll spend this time and effort, get public comment, then when bugs fly in 2012, are there dollars to do anything?

Bobzien: We anticipate that this is going to be a big enough effort that we'll focus our efforts there.

Scherrer: The way the dollars are looking now, I hope that you [Congressional Staffers] hear what he is saying; maybe if Washington could get something done in a year and a half, the Black Hills could get some funding. We really need a combination of the Forest Service and the Congressional Staff working on this. Kristie [Noem] sat here a year ago and heard everyone say we need money. If I'm sitting in this room in 2012, and there is no dough, I'm going to campaign against every one of them in office right now.

Hoyt: I'm behind you in that approach, as you lapse into CEQ language, and I have to tell you that I'm becoming desensitized; when I think that October of 2012 does not sound unreasonable. October of 2012 is unreasonable, it's not acceptable. So the question is, how do we blast something out of CEQ, how do we get John Thune to go over there and tell them we need it?

H.Thompson: I sense a great deal of frustration here. This group doesn't get to actually do something very damn often, but I would like to make a motion that our NFAB send a letter to Craig with the intent that it will go up to the Regional Forester, Secretary of Agriculture, and on up; the letter would demand that they take action on the CEQ, which is an arm of the EPA – and that's really a four letter word. As a group we can't do very much, but we could at least do a letter, and ask them to do something.

Smith: I would second that motion, if the maker would agree to copy the congressional delegation of South Dakota and Wyoming, and the Governors of both states as well.

Scherrer: There is a motion on the table for a letter to be submitted to the Forest Supervisor. As an Advisory Board this would be in the scope of our authority, it would be appropriate is that correct?

Bobzien: Yes

Heinert: We do serve at the pleasure of the people who appointed us.

Scherrer: When this Advisory Board, Frank, was put together, at the recommendation of Senator Daschel, it was exactly for this reason. Daschel wanted diverse representatives from the Black Hills area to bring information to the Forest Supervisor, and take it to the delegation; that is the whole root of why we sit there.

Heinert: Sometimes good intentions don't translate into the final analysis. I just want to verify that it is in the scope.

Smith: From what I can gather, the Forest Service, short of putting on a full court press, have done their part, the inertia is in the CEQ. The people, who end up in the positions on the CEQ, tend to think of politics as it relates to elections. My experience on one where I was heavily involved, they are not real knowledgeable of the situation on the ground. So the importance of congressional pressure is high. They so far have not had the sense to confirm a simple decision. There is no reason they can't sign the request.

Vonk: So I assume we are in the discussion phase of this motion. I would like to ask Craig, what is not clear to me, is that we have this request to CEQ to establish that we have an emergency situation, but it strikes me that the situation you just outlined falls right into line with this. What authority are you acting on with Alternative Arrangements, if you couldn't act on CEQ?

Bobzien: That question would take a long time to answer. We are ready willing and able to do that because it is an emergency. We did pursue the CEQ, our Chief pursued this, but CEQ didn't act on it. It was not picked back up. So now back with the Forest Service, we're looking at it, and asking, can we, in a different way, taking the principals of Adaptive Management, apply them per the regulations. Many, many parts of the Country are in the same situation, so our goal is to go forward in a scale it hasn't been done in the past.

Vonk: If we go forward with our motion, and we get a response, would that accelerate the time frame in a way that we be able to see action on the ground?

Bobzien: Depends on what authority they grant. Under Alternative Arrangements, our need would have been met; we would not likely be pursuing what I'm mentioning.

H.Thompson: I would expect that it would shorten the time frame in which Craig and folks could react, and having a declared emergency might free up some funds somewhere.

Vonk: Would it also perhaps strengthen the Forest Service in the face of a legal challenge?

H.Thompson: And it would make me feel better having just done something!

Heinert: Any further discussion? The motion on the table is for the National Forest Advisory Board to draft a letter to the Forest Supervisor, Craig Bobzien, asking him to forward it up to the Chief, addressing our concern about the issues relative to the state of emergency we have with the bark beetle.

Engelskirger: Could a Subcommittee get together to produce a letter?

Heinert: I think it is unusual to have a Subcommittee write a letter, but I would suggest that before the letter goes out, we might circulate a draft to all the members, we could fine tune it before it goes to Craig. Would we ask the Forest Service to draft the letter?

Scherrer: To those ends, I would like to make sure that the motion includes a deadline that we get the letter out. This could easily be done by e-mail; the letter should be done by July 1st.

Heinert: Is a July one deadline reasonable?

Bobzien: I look at this from the standpoint of the Boards strength your convictions, on a matter like this. I would request that this would be organic from the Board, rather than us preparing the letter.

Vonk: Have we got a copy of the communication from the Chief to CEQ? That would be helpful in draft our letter.

Heinert: Does anyone on the Board wish to prepare this letter?

Hoyt: I want to recognize those with obvious experience at the table. I would suggest that it is our professionals at the table who write the letter. I have the same sensitivity to the letter writing as Craig does – it is unfair to ask Forest Service staff to prepare the letter; the Board itself should address it.

Scherrer: I would like to hear the motion again, with the amendment of the due date of July 1.

Heinert: The motion on the table is for the National Forest Advisory Board to draft a letter to the Forest Supervisor, Craig Bobzien, asking him to forward it up to the Chief, addressing our concern about the issues relative to the state of emergency we have with the bark beetle. The letter will be sent no later than July 1, 2011, and copies will be sent to Wyoming and South Dakota Congressional Delegations and Governors.

Heinert: Hugh made the motion; Hugh do you find that a friendly amendment?

H.Thompson: Yes

Smith: I agree also from the standpoint of my amendment.

Heinert: Who will serve on the Subcommittee to write the letter? Carson Engelskirger, Jim Scherrer, and Bill Kohlbrand

Scherrer: The fact is that any data we can have available reflecting what we've done in the past would be helpful; the letter has to be six lines or less. It would be helpful if you [Forest Service] could get that stuff to us.

Tieszen: I concur that this doesn't need to be a group project, and I agree with Jim that the shorter the better. An eight page letter gets tossed aside; it should only put forth the position of the Board.

Heinert: We have Jim Scherrer, Bill Kohlbrand, and Caron Engelskirger. Carson will you take the lead? Carson will gather information from the FS, and mail it around for input. In the end, it will be signed by me, the Chairman.

Scherrer: This will go out by July 1st so if you don't have time to respond, we'll go ahead without you. We have to move quickly on it.

Heinert: Any further questions? All in favor say aye, opposed, same sign – motion passed.

Hoyt: Before the break – I don't think our letter will carry very much weight, but what we need is support from the Congressional delegation. So we need a second letter, to the Congressional delegation, asking them to set up meetings, wherever appropriate, so that the letter just doesn't sit in someone's inactive file basket. I just don't think it's affective to just send the letter off to the Chief. I would like to suggest a transmittal letter to our Congressional Delegation, asking them for action on their end to meet with the appropriate individuals and help us move this thing along.

Heinert: I would agree, that is an excellent suggestion.

Scherrer: The Subcommittee can consider that, but I don't want to tell them how to do their job.

Hoyt: We are asking our Congressional delegation to take action and support our request, not telling them how to do their job.

Mark Haugen: My first thought is the feeling that you think that those contacts are not being made. We welcome contact and input. A month ago, Craig held a VTC with Senator Thune's DC office, the issues are being taken forward, we are sharing the information we hear at these meetings. Obviously CEQ isn't even listening to their own administration. I just wouldn't want you to go into writing this letter with the assumption that the Delegation is not doing anything.

Vonk: It doesn't hurt one bit for Thune or Noem to get another letter asking for support.

Scherrer: So the expectation is for two letters.

Vonk: And don't forget the Wyoming Congressional delegation.

Heinert: That is correct. Let's take a 10 minute break (2:20).

Jaeger: Take your seat please (2:30)

Heinert: Ready to reconvene. Completed our discussion on the bark beetle issue, next on the agenda is the planning rule letter.

Planning Rule – Letter to the Chief

Heinert: At the last meeting the Board took action to reaffirm a letter to the Chief. I can confirm that a very straight forward letter did go out. I don't believe that we'll get any form of acknowledgment of that letter, but it has been sent to the Chief.

Bobzien: Frank, will we receive a response back?

Heinert: At this point, we would like to know if we can expect an acknowledgement of the letter.

Carroll: I don't know if we'll receive acknowledgement. We had an indicator in an e-mail that they are resisting extending the time frame.

H.Thompson: On a related subject, and to our previous discussion, Craig, may know, if and when this new plan is adopted, will CEQ still have their ore in the water?

Bobzien: They are on the White House Council; I have no reason to believe that it will change.

H.Thompson: I guess it was too optimistic to expect them to disengage. I for one think they should disengage.

Heinert: Any questions regarding the letter to the Chief? If not, we'll move on to the regular agenda after we take a 10 minute break.

Regular Agenda

Partnership Report – Recommendations:

Bobzien: For the Board members and Subcommittee members, thank you. I received the feedback from the Subcommittee members, I have reviewed the feedback; and I have a request. Rather than finalizing the report today by the Board, in light of where we are right now, I would ask that if we have an opportunity to focus this, there are 35 action items in there; I would like to reduce that, and share it back with you in September.

Heinert: Members of the Subcommittee were aware of that I assume.

Bobzien: Jim Scherrer and Bob Burns commented and they support the language of the Report.

Scherrer: If you refine it, would you prioritize it rather than throwing out the action items. This was a great piece of work, with a lot of time and effort put in to it; 99.9% of the work was done by Tom.

Bobzien: That would be fine.

Heinert: The idea would be that the final action would be with the Board in September.

Bobzien: That is correct.

Heinert: With that discussion complete, we'll move into the next topic; Celebrating Wildflower Month.

Celebrating Wildflowers Month: Botanical Resources of the Black Hills National Forest

Chelsea Vollmer & Jill Larson

Bobzien: I'm really happy to introduce two of our employees who have produced this presentation. As the agenda indicates, June is wildflower month. It's an important resource for us on the forest and for the public who enjoy the outdoors. What really strikes me is the unique types we have and why they are special. With that I would like to welcome and introduce you to Chelsea Vollmer our Forest Botanist, and Jill Larson, the Botanist on the Northern Hills Ranger District. In the back are Craig Beckner, and Jackie Groce, who are also involved and oversee this work on our Forest.

Larson: Thank you. It is such a privilege to be here to share this information. I'll present the condensed version of what I presented to my FS colleges this spring. It's great to be able to share with you some of the things I've learned as well. This talk will focus on regional biological diversity, and the opportunities for conservation.

Celebrating Wildflowers:

- June 18 Moonwalk – Forest Wildflowers
- Forest Service hosts a celebrating wildflowers website.

[Presentation Discussion]

Smith: I've noticed that the minute the Federal Government finds something like this; they automatically jump to the conclusion that cattle need to be excluded.

Vollmer: That is one reason why we are designing the program so that we know what is out there, and have an adaptive management plan to address each thing.

Smith: Am I understanding you correctly, that the livestock is excluded? This is a major change in use without an environmental analysis. So you make a change then analyze? I get the impression that you automatically exclude cattle.

Vollmer: The way the plan is written is that grazing is permitted if it doesn't affect the reason for the special designation.

Larson: It is a larger question of - is the livestock compatible with the botanical area? In the Black Hills we have fragile wetlands, and they aren't good for livestock. They are not where you want livestock to be. The range resource is minimal in the Black Hills designated areas. In the case of Englewood springs, we had very fragile moss covered stream banks. Is it always the case where rare plants have to butt up against livestock use? No, but sometimes it does occur.

H.Thompson: I would like to second Nels' concern on the grazing aspect. Lack of quantitative data shouldn't automatically mean protection. The grazing permit says that we can trail through there, but we can't stay in there. I don't know of an analysis that you did where you looked at how the species evolved, because they did evolve under the use of large ungulates. The Forest Plan says that you will withdraw from mineral entry those areas that are considered botanical areas.

Scherrer: Are those RNAs signed?

Vollmer: Yes

Kohlbrand: Once the RNA is signed, and things go haywire; you battle invasives for an example, beetles or anything, can the RNA be undone?

Beckner: We did leave the ability to treat noxious weeds in the RNA, because that is a threat.

Vollmer: As far as wildfires, we stated that minimal impact suppression procedures will be used.

Kohlbrand: Can these be withdrawn?

Vollmer: Once they are established they can have the mineral withdrawal done.

Kohlbrand: Not the mineral withdrawal, but undoing what has been done.

Larson: Botanical areas can be withdrawn, but RNAs are done in perpetuity.

Vollmer: The decision was made in Phase 2.

Larson: The time for input would be in the forest planning process.

Kohlbrand: But it can't be undone, and nothing can be done in these areas, is that what you are saying?

Smith: You said there was one signature left on the establishment of all four. And when the Regional Forester signs off on it, it is carved in stone.

Vollmer: Yes, it is formally designated at that time.

H.Thompson: You didn't answer my question about mineral withdrawal; also three out of four of these RNAs exceeded the size allowed in the manual of 300 acres. These are even more restrictive than a wilderness.

Vollmer: We are working on the RNAs and once we go through the process and know how to do that, we'll pursue the withdrawal. Right now our issue is funding.

Bobzien: First, thank you Jill and Chelsea for the presentation. These areas are small special places, and they are small relative to the whole Black Hills; that was partly why the RNAs were identified in Phase 2. I was new here to the Forest during Phase 2; the subject of RNAs was not one that the Board could come to a consensus on. The arguments really haven't changed much. I would like to follow up on one of Jill's responses. The perpetuity piece; all of this is offered under a congressional act, so I will follow up on that. We are a multiple use forest, and these were designated as special areas, with unique features that brought us to this level. I understand your comments, and yes there are some pretty close management practices being done on these areas; some things being permitted, some not, that is why they have been set aside. That is a decision that I would own. The botanists are just here to present it.

Engelskirger: When we talk about rare plants, and you talk about some of these associations, it's a large part of why the botanicals are created; granted it's important that we preserve these species. Given that situation, why, especially on the Englewood Springs, where there is bug activity, why isn't any kind of treatment ever proposed in the botanicals even if there are beetles? If we can get in there and save the trees, why wouldn't we?

Larson: As a botanist, I look at it from a different perspective on the rare plants. Using Englewood Springs as example because there is bug activity there, it has spruce regeneration and pine over story. Our rare plant population is found primarily, in moist forest habitats, not ponderosa pine for the most part. When I look at Englewood Springs, the pine may die, but the spruce will grow up and make a habitat for the botanicals. Mountain pine beetle is not a threat to the botanical areas. I'm not trying to diminish the importance of the management of the MPB, it is important and it is urgent.

Scherrer: The problem with that perspective is you are looking through a prism and that is a little disingenuous.

Larson: I'm not trying to be disingenuous; I'm offering a professional opinion based on what I've seen.

Scherrer: I respect your opinion, but you are picking out a special thing to focus on.

Larson: I appreciate that and agree with that, it is a narrow subject.

Engelskirger: It's a large amount of area when you add them all up.

Larson: It's less than 1% of the Forest. I'm just trying to add perspective from a different standpoint. The primary management at Englewood Springs is for the botanical management. The MPB is not that much of a concern in those 164 acres.

Jaeger: It's not Jill or Chelsea's responsibility to make a decision on the management; it is the Rangers or Craig. So we rely on them for their input and expertise. We are also looking at heritage resources, and all other areas.

Larson: We are making recommendations, and there may be other considerations. I'm really looking very strictly at the plant species.

Heinert: Thank you for your presentation, we'll take a 10 minute break. (3:40)

Travel Management – Meetings With Local Jurisdictions

Heinert: We are now back in session. We are up to the report from the travel management Subcommittee, based on the direction from the last meeting.

Bobzien: Thank you Mr. Chair, and Board. The request from the Board was to host two meetings with local jurisdictions to explain the challenges and to look for ways to problem solve, and help the people that use the trail system to be better served. We sent invitations to County Commissioners, Mayors, and the State representatives. We had one meeting in Hill City and one meeting in Spearfish. We had two attendees at each meeting. Senator Tieszen and Jim Scherrer attended the meetings. Two things, one is, in both cases, there is better education now, and in Hill City we looked at ways we can improve communication. With the Hill City Chamber we talked about access to the website, and being a vendor for the motorized trail permits. The other thing is, we talked about ways, in South Dakota to access trails, and Jeff I want to thank your staff for having Ryan Raynor and Harley Noem to speak about the rules with the State. That kind of discussion, those kinds of things were on the table. It was a good recommendation from the Board.

Tieszen: Thank you Craig. Just to reiterate, these meetings were intended for local government agencies not public. The idea was that we were having disconnect with the other agencies. The meetings were lightly attended. I'm going to assume that the commissioners that did not attend are not hearing from their constituents. On the Northern Hills we met with the County Commissioner and the legal staff person. The issues there tend to be in Nemo and along 385. There are vendors that are doing ATV business and they are having trouble connecting with the trails. The department of motor vehicles has an emergency measure in place to temporarily license out of state vehicles, so that they can access highways. There is some sort of makeshift solution in place although it requires going to the courthouse. As a result of that meeting we came to the conclusion that the State statute was at issue, not County regulations or city regulations, it's the State that has control of the statute regarding licensing of these kinds of vehicles. It goes back to the proposal two years ago that met defeat. We know that Lawrence County had issues; we had vendors at past meetings expressing their concern.

At the Hill City meeting, we had the Administrator for the City of Hill City, and the Mayor from Custer. They are interested in accessibility to trail permits; apparently we are very close to working out the deal for the visitor center to sell trail permits. They have had a number of inquiries from people stopping in wanting a permit. Many folks coming for vacation didn't know the rules have changed. We did offer to them that the Advisory Board and Forest Supervisor were open to suggestions on how to make trails more assessable.

Hill City has a mixed response, there are those that would like the ATVs running up and down the main street, spending money in the shops and restaurants, and there are others that are opposed to having increased activity. Again I think that in both places, the accessibility not only of the Forest Service staff but the GF&P representatives there was good. One thing we accomplished, we made it clear that we are open to further discussions, and we want to hear about suggestions. Better education to chamber of commerce folks is important so that when folks walk in the door people know the answers. I appreciate the Forest Supervisor and staff that attended the meetings. I appreciate the opportunity to attend as well.

Scherrer: I was able to attend the Hill City meeting. The mandate was for the supervisor to invite the legislators and decision makers, and they were kind enough to invite the Subcommittee as well. In hind sight, I kind of wish we would have thought to notify the vendors who have these problems. You would think that the letter going to the people that represent those vendors and other would attend, but that wasn't the case. Business owners react and operate in a crisis management methodology. When there is a crisis they expect the government to fix it for them. The County Commissioners & Mayors didn't come when you sent them an invitation, but sure as heck, they'll be on the phone when something goes wrong. In the future, you'll see Hill City look for ways to generate money from this trail system, I think they'll be an asset to the Forest Service in helping to make this work.

Hoyt: You mentioned Hill City earning revenues from this; how are our revenues from permit sales and other sources?

Bobzien: 3,000 plus permits have been sold now. Those who sat on the Subcommittee were unable to accurately predict how many sales there would be. Rick Hudson just gave a report that there were just over 3,000 permits sold.

Hoyt: Are we coming close to our budget projections?

Willems: We are about half way there.

Tieszen: When we were in Hill City, the lady running the visitor center said that she had eight people in the center wanting information about buying a trail permit. Eight people at one time, that's a lot.

Heinert: Other questions or comments? If not, we'll close out this section and move to the next item on the agenda, the August field trip.

August Field Trip Plans

Heinert: Craig and I have had some discussion on this, so I'll let Craig take the lead on the topic.

Bobzien: Couple things going back to the previous Board meetings. We've had scientists out looking at the experimental forest, ties into the Anticipatory and Adaptive planning, the second one was about the resource natural areas, which is also related to our motorized travel. One option would be to package a trip that would cover those features. What is the interest of the Board? The suggestion I made would allow you to see multiple things, in the central part of the Black Hills.

Heinert: We'll toss that out as a suggestion, any comments?

Engelskirger: You mentioned the research areas; would we get to see that goshawk work that has been done?

Tieszen: I think it sounds like an excellent field trip.

Scherrer: You would package it up to cover all three of those aspects?

Bobzien: The experimental forest would be place based, and the others we would make it work.

Scherrer: Black Fox would also address the issues of travel management.

Heinert: The date would be the third Wednesday of August (17th), with that understanding, we'll ask the staff to put together that field trip. You'll get the word out ahead of time, meeting location, etc.

Engelskirger: Did you mention the topic of travel management being included?

Bobzien: It fits in with our Black Fox area.

Heinert: We'll proceed with that understanding.

Comments & Questions from the Board

Heinert: We're up to the new segment of the agenda; we'll provide time now for comments from the Board members.

Tieszen: The Rapid City Chamber of Commerce, of which I'm a member through a couple of committees are putting together a lobbying trip to Washington DC, the purpose of which would be to lobby the South Dakota delegation on topics that are important to the chamber. We are in the process of identifying topics; one of the finalists is bark beetle. Depending on what happens between now and September, we'll be seeing what issues are pertinent. Obviously, the fact that we are lobbying means that the chamber believes this is a huge issue for the Black Hills. I just wanted to notify the board that the trip is being planned and may have some ramifications.

Hoyt: What is the date?

Tieszen: September 14 I believe.

Scherrer: Are you suggesting that members of this Board could go?

Tieszen: It would be for chamber members.

Scherrer: Is the Forest Service a member?

Bobzien: Yes

Tieszen: Transportation, duosal, and bark beetle are the three main topics at this point.

Scherrer: My comment relates to what Hugh brought up, words to the affect that right after the blow down, there was a commitment by the Board to emphasis the importance of doing something faster. As a member of this Board, that makes me feel uncomfortable, because I don't remember the conversation. I want to ask the Forest Service, between now and the next meeting, to research what we did or did not do. If we did not do something I want to know, and if Hugh's representation is not accurate, I want to make sure that is reflected. I would think that the Forest Service would like the record to represent the facts about following through or not. So that it is squared around. I am asking you to ask the Forest Service what happened.

Heinert: We'll take it under advice.

Smith: I want to commend you on your attention to detail. The change on the agenda is because of your interest in running a good meeting. Twila runs that computer like a court reporter. Take a look at not only the minutes but the notes. If it was a consensus, not a motion; I'm assuming you're talking about the meeting notes as well as the official minutes. As far as the forest research if they can figure out how this beetle infestation is going to end, it would be interesting. Based on my family relocations, it is unequaled by anything until you go back 125 years. We can talk about lack of management, etc., and that is true, but there was another one just like it. It could be quite a research project.

Heinert: Any other comments or questions?

Scherrer: How many people were on the Board when we had that discussion about the Cook Lake blow down?

Bobzien: Let's look at the notes; I recall that the situation was that ranger Kozel had some documentation that he got rapid response from the Tribe. Absent that it would not have been as quick. We followed up and asked for a briefing. We got a rapid response and Ed Fischer lined out all the tools that were available to us.

H.Thompson: My memory is a little hazy and I do remember Ed coming in and handing out handouts, but with CEQ figured in there that would be the bottle neck. We all commended you and Steve and the whole Black Hills Forest on the response you did show, but we know there were constraints involving CEQ.

Smith: My recollection is that fortunately most of that blow down area was part of active or already approved timber sales. It would have taken forever to bless the emergency action otherwise. The amount of timber was going to overload the system.

Heinert: We'll research the record and report back.

We'll conclude that portion of the agenda; we are now to public comments. I want to say that when we were having the early discussion and we were talking about sending a letter to the Congressional delegation, they are here at virtually every meeting, so it might be a good idea to have the Congressional staff report to us during the public comments for an update. We are not making assumptions that our message is not being heard.

Public Comments

Chairman Heinert: That concludes all of the agenda items, is there anyone present that would like to address the Board?

Chris Blair: To go back to that discussion about the frustration of what you are hearing – we are here at pretty much every meeting. Your messages are not lost, we carry those right back to our counter parts in Washington and our bosses. We feel the frustration, and we share that with them. We do encourage you to stay engaged. To let you know what we are doing, as of two weeks ago, our staff has been in touch with the staff of CEQ to present the Senators position of the urgent issue. We are drafting some invitation letters to Tidwell and Vilsack to come out this

summer and view the area first hand. Rest assured, we do share the information we hear here.

Sandy Massey: I represent Congresswoman Noem. Some of you have already heard my report, but I'll repeat it here. Within one week of when Kristie was sworn in, she hosted a MPB round table here at this office. This has been one of her most important issues. Her position on the Natural Resource Committee as well as the new seat on the Agriculture Committee has given us a step up. She was also involved in the video teleconference with Craig that Mark mentioned. Her legislative assistant, both staffs in DC are working together in legislative areas trying to tweak language in the NEPA area, also in the bipartisan letter of invitation to Tidwell and Vilsack.

Kristie has also, twice now, sent a letter to request the unspent funds to be put toward the MPB epidemic. She and her staff have been having several meetings, to make the issue known. She also talks to the environmentalists groups for education purposes. She has picked up on the effort of Stephanie Herseth Sandlin on the CEQ request. I have both copies of that letter, I forwarded them on and gotten a reply back. She has expanded the bio fuels bill, which would expand the definition to include slash. Tomorrow morning, I will get on the phone and let them know to expect the letter, and more pressure. We're in your camp, and we are getting your message out there.

Mark Haugen: Thanks Jim, I'm glad we got that stirred up a little. No one of us sends out press releases about what everyone is doing behind the scenes. I'm pleased to say that the bipartisan that I am, I agree with Chris! The Grazing Improvement Act bill Thune is circulating extends grazing permits from 10 years to 20 years. Permit holders of BLM and FS have relied on appropriation writers to write the permit once it has expired, so they are at the whim of the continuing resolution. This bill will allow the permit to continue once the EA is being written. The other thing is that Thune is cosponsoring the Equal Access to Government Act. This was an act that allowed people who sue the government to be reimbursed. A small group of environmental groups have sued the government 1200 times and received 35 million dollars. This bill would put a halt to those abuses and require reporting and return it to the original intent of reimbursing the small businesses that are having trouble with the government. The other big thing we have coming up is the farm bill, and there are always opportunities to find things in there that we're able to be put elsewhere.

Hoyt: I would like to make a clarification in the event that I was misunderstood. My comments were not meant to be critical of the Congressional delegation. Our letter would not have legs without going to the Congressional delegation. My question is where is Senator Enzi? I'm sure he would be interested in know about these things.

Kohlbrand: They have been in contact with us, we feed them information, and they are very interested.

Hoyt: So I'm sure that our letter would be sent to both Wyoming and South Dakota.

Smith: That was my intention with my amendment to the motion.

H.Thompson: The Equal Access to Government Act; Congresswoman Lummis had a rider on the continuing resolution that didn't make it, to try to reign in the abuses of the EAJA. When I was still in the saddle, we would win a lawsuit, and we still paid because the Assistant US Attorney said that it was a question that the court needed to answer. We paid the plaintiffs even

though they lost their lawsuit. I think you should modify it by simply saying if you lose your case you don't get paid.

Bobzien: Two things about losses, my boss is waiting out in the lobby (my wife), I have two documents I have to go sign, and so I'll need to leave a little early.

Before I go, I want to thank Ralph for your appearance today and documents that you sent to us.

Rick Cables will be retiring from the Forest Service, after 35 years of service, those that have met him, know that he is interested in what you are doing here in the Black Hills. Rick is coming here Friday night to Custer. You are all invited to dinner at my house on Friday night. Rick is in town for the Rocky Mountain Elk foundation dedication of the Lady C Ranch. As of July 1 Rick will be the Director for the Colorado Parks and Wildlife Department, similar to Jeff's position.

Ralph Copp: I would like to comment on travel management. This spring I've been doing some watching in the Northern Hills with the new motorized trail system. I've observed some areas of damage, and I can find a number of areas where riders have gone off the trails on to areas that are not a part of the current system. What Craig was referring to was a video I made of some mud-boggers in a spring. I turned that over to the Forest Service. What I would like to say is that I would like to see some discussion in the future pertinent to the success of law enforcement and education, and education is really key and also readdressing resource protection, the springs, etc.

Heinert: Based on the high level of interest for that subject, that is on our radar screen, to discuss how well or not the system is working. Your point is well taken.

Patty Brown: I have a question about the partnership meetings you are having. Is that just dealing with government entities, or is that involving vendors, badlands and lakes, etc?

Jaeger: The issue was on gateway communities, the direction was to invite the local government leaders. We had representatives from the State to all come together, based on Greg Mumm's recommendations. Nort with Black Hills Badlands and Lakes is well in the loop. The Rapid City visitor center is one of the vendors of our trail permits.

Brown: And the Counties are not attending?

Scherrer: Patty I'm glad you were here, Greg made the presentation, and we took that, and unfortunately, the decision makers didn't show up. So now when you and your friends want to go back and talk to them about getting something done, they need to attend – or don't vote for them next time.

Heinert: Any further comments? If not we'll close that out and conclude the agenda. To I have a motion to adjourn? Motion made by Smith, second by Tieszen. Meeting adjourned.

Next Meeting: August 17, 2011, Field Trip